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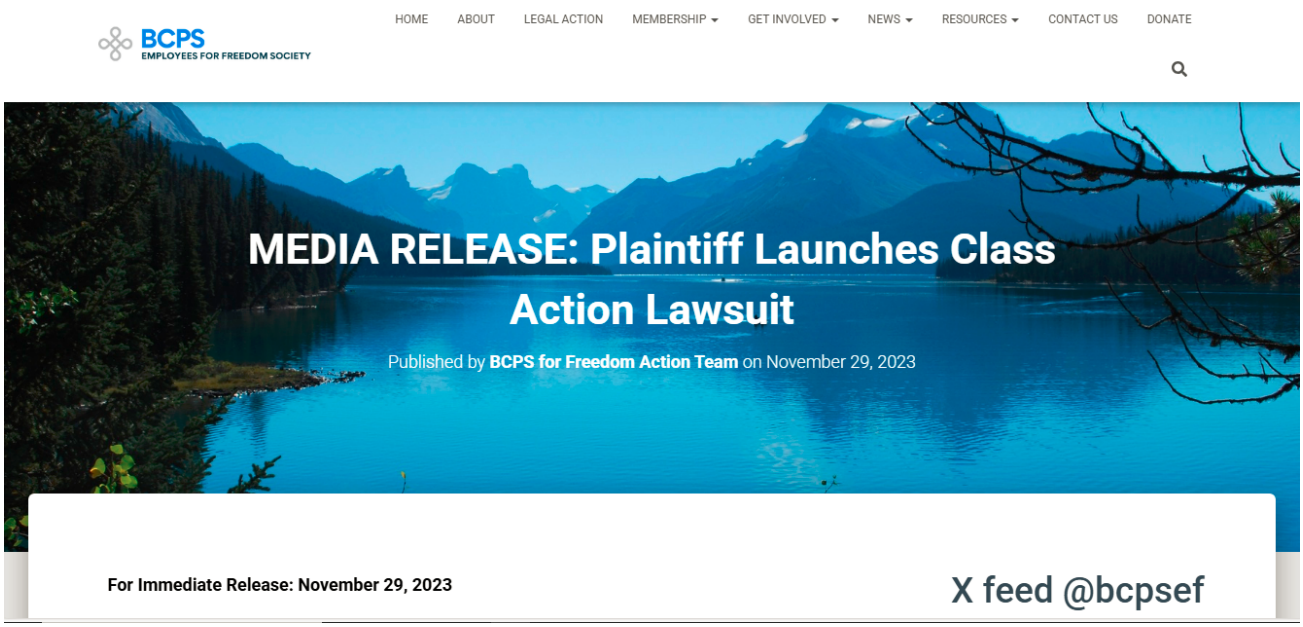
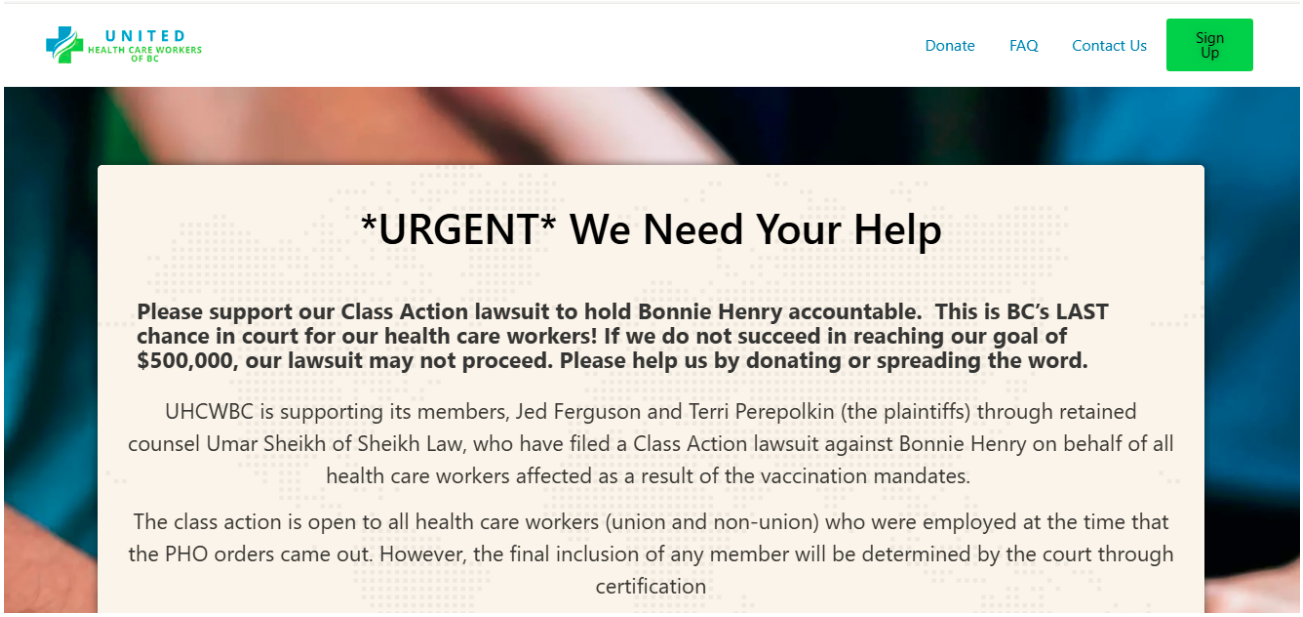
DECEMBER 13, 2025 BY RONNIE

UHCWBC And BCPSEF Conclude Certification Hearings, Decision Under Reserve

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URGENT We Need Your Help
Please support our Class Action lawsuit to hold Bonnie Henry accountable. This is BC's LAST chance in court for our health care workers! If we do not succeed in reaching our goal of $500,000, our lawsuit may not proceed. Please help us by donating or spreading the word.
UHCWBC is supporting its members, Jed Ferguson and Terri Perepolkin (the plaintiffs) through retained counsel Umar Sheikh of Sheikh Law, who have filed a Class Action lawsuit against Bonnie Henry on behalf of all health care workers affected as a result of the vaccination mandates.
The class action is open to all health care workers (union and non-union) who were employed at the time that the PHO orders came out. However, the final inclusion of any member will be determined by the court through certification

A pair of Proposed Class Actions wrapped up their hearings for certification on Friday, in the B.C. Supreme Court. These groups are attempting to convince a Judge that this is the most expeditious way to process thousands of claims related to loss of employment over injection mandates from 2021.

On a related note: the Court will also consider Applications brought to throw both cases out completely. The Government is making the usual arguments about how these cases are an "abuse of process", and an ineffective way to resolve disputes. Notes from the hearings were provided by observers who attended, and are quite detailed. For simplicity, they were compiled into a single document. The suits came from:

(1) UHCWBC – United Health Care Workers of British Columbia
(2) BCPSEF – British Columbia Public Sector Employees For Freedom

It's unclear how many Plaintiffs would result if either case was certified, but it could be in the hundreds, if not thousands. A lot of people didn't like being pressured to take the shots.

See Parts 1, 2, 3, 4, 5, 5, 7, and 8 in this series on s.2(d) challenges.

UHCWBC And BCPSEF Part Of Series Of s.2(d) Cases

CASE NAMES	FEDS4F/BCPSEF	FREE2FLY/UHCWBC/UHCWO

Government Workers?	Yes	No
Filed Federally?	Feds For Freedom	Free To Fly
Filed in B.C.?	BCPSEF	UHCWBC
Filed in Ontario.?	n/a	UHCWO
Wrongful Termination by Gov't?	Yes	No
Inducement to Breach Contract?	No	Yes
Breach s.2(d) Charter Rights?	Yes	Yes
Malfeasance of Public Office?	Yes	Yes

There are actually 5 different Proposed Class Actions going on which are based on a variation of the s.2(d) argument. While similar, there are differences in the arguments being advanced.

Feds For Freedom (Payne) initially got past a Motion to Strike at the beginning of 2025, but that was overturned by the Court of Appeal. By contrast, Free To Fly (Hill) survived a preliminary challenge that the Government did *not* appeal. This bodes well for the health care worker cases, as the arguments are essentially the same.

Update: The case of British Columbia Teachers' Federation v. British Columbia, 2016 SCC 49 was mentioned after this publication. Without getting lost in the weeds, it allowed Court access in instances where collective bargaining was impacted unilaterally without good faith consultation. There isn't the comparable "ouster" that exists Federally, over constitutional challenges. This is good news for public sector workers, hoping to avoid the fate of Payne.

The B.C. cases are having both Applications to Strike and for Certification heard at the same time. The Ontario lawsuit appears to have been pushed back to the end.

Another wildcard is that CSASPP was refused certification recently, but Justice Crerar's decision has been appealed. There is potentially some overlap with the ones here.

Understanding The Arguments Of These s.2(d) Cases

Government Workers: It is true that unionized and Government workplaces typically have a collective bargaining agreement. This means that there's some sort of grievance process to follow, and then arbitration. How these differed is that the Plaintiffs are arguing that injection mandates "added a term or condition" to the employment, without any meaningful consultation, negotiation or consideration. In the Payne case, that was accepted initially, then overturned.

Non-Government workers: The argument differs here, because the Government isn't actually the employer. Instead, Plaintiffs allege the Government *induced a breach of contract*, by causing the employer to "add a term or condition" to the employment, without any meaningful consultation, negotiation or consideration. Another way to look at this is as third party interference.

In both variations, the Plaintiffs state that their Section 2(d) Charter rights (freedom of association) were violated. This was caused by the Government not allowing employers and employees to engage in voluntary relationships. Presumably, employers wouldn't have fired anyone (or very few), without authorities meddling.

The UHCWBC case (and similarly, the UHCWO one) appear to be on more solid ground because they are not Government employees. The go-to tactic of claiming lack of jurisdiction does not apply to them.

We'll have to wait for a decision, however long that takes. Assuming certification of either happens, this is only the beginning. Much more will have to be done prior to Trial. Both groups are still fundraising to cover existing costs, and CSASPP is trying to raise money for their ongoing Appeal.

BCPS EMPLOYEES FOR FREEDOM COURT DOCUMENTS:
(1) BCPS Notice Of Civil Claim October 2023
(2) BCPS Amended Notice Of Civil Claim April 2024
(3) BCPS Response To Civil Claim May 2024
(4) BCPS Requisition Case Management August 2024
(5) BCPS Notice Of Application Certification October 2024

(6) BCPS Notice Of Application To Strike October 2024
(7) BCPS Response To Application To Strike November 2024
(8) BCPS Consent Order Scheduling Of Materials January 2025
(9) BCPS Plaintiff Submissions Certification And Strike December 2004
(10) BCPS UHCWBC Plaintiff REPLY Submissions Cert/Strike January 2025

UHCWBC COURT DOCUMENTS:
(1) UHCWBC Notice Of Civil Claim October 2023
(2) UHCWBC Amended Notice Of Civil Claim April 2024
(3) UHCWBC Response To Notice Of Civil Claim May 2024
(4) UHCWBC Amended Response To Notice Of Civil Claim May 2024
(5) UHCWBC Requisition For Case Management Scheduling August 2024
(6) UHCWBC Notice Of Application For Certification October 2024
(7) UHCWBC Response To Application For Certification October 2024
(8) UHCWBC Notice Of Application To Strike Claim October 2024
(9) UHCWBC Consent Order Scheduling October 2024
(10) UHCWBC Response To Application To Strike November 2024

CERTIFICATION NOTES:
(1) UHCWBC and BCPSEF Certification Notes
(2) https://x.com/uhcwbc
(3) https://unitedtogether.ca/
(4) https://x.com/bcpsef
(5) https://bcpsforfreedom.com/
(6) https://www.covidconstitutionalchallengebc.ca/

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